

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 OCT 21 P 3:42

DIANE MURACH and
MELISSA AUBUCHON,
Plaintiffs

v.

J'S FOUR, INC. and
JANET ARSENAULT,
Defendants

C.A. No. 05-11265 MLW

U.S. DISTRICT COURT
DISTRICT OF MASS.

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO STAY DISCOVERY
PENDING RULING ON MOTION TO DISMISS**

Background and Relevant Facts

The defendants request that this Court stay discovery in this case until after a ruling on the Defendants' Motion to Dismiss, which is currently pending before the Court. In short, this case is only four-months old, the defendants believe it should be dismissed as a matter of settled law, and allowing unlimited discovery at this stage would impose an undue burden and hardship on the defendant corporation, a small family-owned business. The Motion to Dismiss relates to all counts of the plaintiffs' Complaint, and therefore may be dispositive of this entire case if allowed by the Court. A limited stay until the Motion to Dismiss is decided would save the parties, and the Court, significant resources and would not prejudice the plaintiffs.

The Complaint in this case alleges, inter alia, wrongful termination and retaliation under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §215. On July 18, 2005 the defendants filed a Motion to Dismiss on grounds that (1) the Complaint fails to allege the basic elements